



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
SECRETARY

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**NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT
AND SECRETARY'S ORDER**

Pursuant to 7 Del. C. § 6005 (b)(3)

Order No. 2008-A-0017

*PERSONALLY SERVED BY AN ENVIRONMENTAL
ENFORCEMENT OFFICER AND CERTIFIED MAIL*

Issued To:

Coatings, Inc.
Attn: Mr. Bruce D. Blair, President
30 Commerce Street
Wilmington, DE 19801

Registered Agent:

Mr. James W. Owen
Brandywood Plaza
2500 Grubb Road, Suite 240-B
Wilmington, DE 19810

Dear Mr. Blair:

This is to notify Coatings, Inc. ("Respondent") that the Secretary of the Department of Natural Resources and Environmental Control ("Department") has found Respondent in violation of 7 Del. C. Chapter 60 and Regulations adopted by the Secretary under the authority granted to him in 7 Del. C. Chapter 60 ("Regulations"), and accordingly, the Department is issuing a Notice of Administrative Penalty Assessment pursuant to 7 Del. C. § 6005(b)(3).

BACKGROUND

Respondent conducts sandblasting and painting operations that result in the emission of air contaminants such as volatile organic compounds ("VOC") at its facility currently located at 30 Commerce Street in Wilmington, Delaware. Respondent's facility was previously located at 210 Hay Road in Wilmington, Delaware. On May 12, 2003, the Department issued permit **APC-2000/0252-CONSTRUCTION/OPERATION(VOC RACT)(Amendment 1)** for a spray paint booth at the Hay Road facility.

In October 2006, the Department contacted Respondent by telephone to schedule a compliance inspection. During that phone call, the Department first learned that in late December of 2004 Respondent had moved its operations from the Hay Road facility to the current one located at 30 Commerce Street. Respondent informed the Department it began operation at the new location on January 1, 2005. Delaware law does not allow Respondent to

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transfer its operation from one location to another. Therefore Respondent should have applied for a new permit for the new location.

The Department conducted visits to the new site on October 26, 2006, and November 21, 2006. After reviewing Respondent's operations, the Department determined that, as with the spray painting operations at the previous site, emissions of VOC are greater than 10 pounds per day. Therefore, pursuant to Regulation No. 2, Respondent required a new permit. Respondent no longer uses a spray paint booth and now carries out its painting operations with spray guns. Respondent's sandblasting operations are conducted outside and, therefore, Regulation No. 2 required Respondent to obtain a registration rather than a permit for that operation. During the site visits, the Department asked Respondent to submit the appropriate permit application for the painting operations and registration form for the sandblasting operations, which it did on December 4, 2006. Thereafter, the permit application was found to be incomplete, and in an email dated December 27, 2006, the Department asked Respondent to provide additional information. Respondent did so on March 23, 2007. On April 17, 2007, the Department issued permit APC-2007/0094-CONSTRUCTION/OPERATION(VOC RACT) to Respondent for its operations at the new facility. A Notice of Violation was issued to Respondent on March 26, 2007.

FINDINGS OF FACT

1. In late December 2004, Respondent moved its spray painting and sand blasting operations in Wilmington, Delaware, from 210 Hay Road to 30 Commerce Street.
2. Respondent's spray painting and sand blasting operations at 30 Commerce Street in Wilmington, Delaware, caused or contributed to the discharge of air contaminants including VOCs.
3. Respondent began operating at the Commerce Street location on January 1, 2005, without obtaining a permit for its spray painting operation at that location from the Department.
4. Respondent submitted an incomplete permit application for its spray painting operations on December 4, 2006, but on March 23, 2007, provided additional information. At that time, the Department deemed Respondent's application complete.
5. On April 17, 2007, the Department issued Respondent permit APC-2007/0094-CONSTRUCTION/OPERATION(VOC RACT) for its operations at the 30 Commerce Street location.

REGULATORY AND PERMIT REQUIREMENTS

1. Seven *Del. C.* § 6002(2) states:

"Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke or vapor or any combination thereof, exclusive of uncombined water."